

**AMENDMENT**

Please amend the application, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents.

**In the Claims**

1. An isolated nucleic acid molecule with the function of a caryopsis-specific promoter, which nucleic acid molecule:

a) ~~comprises the~~ has a nucleic acid sequence of defined by nucleotides 1-4683 of Seq ID No. 1;

b) ~~comprises one or more sequence elements selected from the group consisting of Seq ID No. 2; Seq ID No. 3; Seq ID No. 4; Seq ID No. 5; Seq ID No. 6; Seq ID No. 7; Seq ID No. 8; Seq ID No. 9 and Seq ID No. 10;~~

b) e) comprises a functional portion of the nucleic acid sequence stated under a), wherein the functional portion comprises bases 2241-4683 or 4071-4683;

c) d) ~~comprises a sequence which hybridizes, under stringent conditions, with at least one of the nucleotide sequence sequences stated under a), and/or b) under hybridization conditions comprising a hybridization temperature of 65-68°C, a wash temperature of 65-68°C, and a wash buffer salt concentration of 0.2X SSC; and/or~~

d) e) ~~comprises a sequence which has approx. 75-99% about 90-95% identity with one of the nucleic acid sequence sequences stated under a).~~

2. (Previously presented) The isolated nucleic acid molecule as claimed in claim 1, which is a promoter active in monocots.

3. (Original) An expression cassette comprising a nucleic acid molecule as claimed in claim 1.

4. (Original) A vector comprising a nucleic acid molecule as claimed in claim 1 or an expression cassette as claimed in claim 3.

5. (Previously presented) The vector as claimed in claim 4 which is suitable for transforming plant cells.

6. (Original) A host cell which is genetically modified with a nucleic acid molecule as claimed in claim 1, with an expression cassette as claimed in claim 3 or with a vector as claimed in claim 4.

7. (Currently amended) The host cell as claimed in claim 6, which is a prokaryotic ~~pro-~~ or eukaryotic cell.
8. (Previously presented) The host cell as claimed in claim 6, which is a plant cell.
9. (Original) A plant comprising plant cells as claimed in claim 8.
10. (Original) Propagation material or harvested material from plants as claimed in claim 9, comprising plant cells as claimed in claim 8.
11. (Original) A method of generating transgenic plant cells as claimed in claim 8, wherein plant cells, plant tissue, plant parts or protoplasts are transformed with a nucleic acid molecule as claimed in claims 1, with a vector as claimed in claims 4, with an expression cassette as claimed in claim 3 or with a host cell as claimed in claim 6, and the transformed plant cells, plant tissues, plant parts or protoplasts are cultivated in a growth medium.
12. (Original) A method of generating transgenic plants as claimed in claim 9, wherein plant cells, plant tissue, plant parts or protoplasts are transformed with a nucleic acid molecule as claimed in claim 1, with a vector as claimed in claim 4, with an expression cassette as claimed in claim 3 or with a host cell as claimed in claim 6, the transformed plant cells, plant tissues, plant parts or protoplasts are grown in a growth medium, and intact plants are regenerated from the obtained plant cells.
13. (Cancelled)
14. (Cancelled)
15. (Original) A method for the caryopsis-specific gene expression in plants, wherein a nucleic acid molecule as claimed in claims 1 is stably integrated into to the genome of a plant cell, and the plant is regenerated from said plant cell.
16. (Cancelled)